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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,918	08/27/2003	Kazuyuki Oka	FUJH 20.577	5772
26304	7590	11/01/2007		
KATTEN MUCHIN ROSENMAN LLP			EXAMINER	
575 MADISON AVENUE			ZAIDI, SYED	
NEW YORK, NY 10022-2585				
			ART UNIT	PAPER NUMBER
			2616	
			MAIL DATE	DELIVERY MODE
			11/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/649,918

Applicant(s)

OKA ET AL.

Examiner

Syed Zaidi

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Response to Arguments

Applicant's arguments filed July 20th 2007 have been fully considered but they are persuasive, with respect to the rejection of claims 1-7. However new ground of rejection been presented in this office action as such may response to applicant's argument is moot.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966) that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the Claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 1 is rejected under 35 U.S.C. 103 (a) as being unpatentable over **Malki et al.** (US Pub # 20010046223 A1) in view of **Ogier et al.** (U.S.Pub # 20030179742 A1).

Consider claim 1, Malki et al. clearly show and disclose mobile communication network system (figure 3) comprising a plurality of nodes (Paragraph 0030 and figure 3) including a home agent, a correspondent node (Paragraphs 0030, 0045 and figure 3, home agent element 345, correspondent node element 335, anchor

point node element 375) and a mobility anchor point connected to the network (anchor point node element 375) wherein each node produces a duplication of a binding cache on receipt of location registration information from a mobile terminal (mobility anchor unit node element 375) maintains and manages the duplication of the binding cache, and on restoration of the node from a failure, each node obtains the contents of the binding cache stored before the node failure from the duplicated binding cache wherein the node transmits a location registration request to the mobile terminal in accordance with the contents of the binding cache obtained before the failure, and when no response is received against the location registration request, the node determines the binding cache obtained before the failure as invalid (Paragraph 0043, lines 29- 36 and figure 8, mobility anchor point node element M), and deletes the location information of said mobile terminal. However **Malki et al.** fails to disclose the duplication of a binding cache on a receipt of a location registration and obtaining the contents of the binding cache from the duplicated binding cache and deletes the location information of said mobile terminal.

In the same field of endeavor, **Ogier et al.** show and disclose maintaining the duplication of a binding cache on at the node and using the duplication of a binding cache to optimize a transferring route and deletes the location information of said mobile terminal (Paragraph 0867 lines 1-10).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the duplication of a binding cache on at the node duplication as taught by **Ogier et al.**, in the method of **Malki et al.**, for the purpose of achieving faster recovery in case of a node failure.

Claim 2 (Cancelled).

Consider claim 3, as applied to **claim 1, Malki et al.**, and modified by **Ogier et al.**, clearly show and disclose mobile communication network system (figure 3) wherein, when a plurality of mobile terminals exist as objects for transmitting the location registration request, the node controls transmission intervals of said location registration (Paragraph 0046 lines 1-10, figure # 8) requests

to the plurality of mobile terminals by successively transmitting with delay.

Consider claim 4, Malki et al., clearly show and disclose mobile communication network system (figure 3) wherein, when a mobile terminal moves from a particular node to another different node, said mobile terminal obtains from an external link a node address after the movement as a care of address (Paragraph 0049 lines 1-10, figure # 9, step 935), and transmits the obtained care-of address to the particular node as location registration information, the particular node registers the location registration information into a binding cache (Paragraph 0049 lines 1-10) manages the location registration information, duplicates the contents of the binding cache for backup purpose, and maintains and manages the duplicated contents of the binding cache, and when the particular node is restored from a failure and initiated for restoration (Paragraph 0033 lines 1-10) the particular node transmits a location registration request to the mobile terminal which is registered in the binding cache (Paragraph 0047 lines 1-15), and when no response is received from the mobile terminal against the location registration

request, the node deletes (Paragraph 0043 lines 35-40) the location information of the mobile terminal from the binding cache.

However **Malki et al.** fails to disclose the duplication of a binding cache on a receipt of a location registration and obtaining the contents of the binding cache from the duplicated binding cache and deletes the location information of said mobile terminal.

In the same field of endeavor, **Ogier et al.** show and disclose maintaining the duplication of a binding cache on at the node and using the duplication of a binding cache to optimize a transferring route and deletes the location information of said mobile terminal (Paragraph 0867 lines 1-10).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the duplication of a binding cache on at the node duplication as taught by **Ogier et al.**, in the method of **Malki et al.**, for the purpose of achieving faster recovery in case of a node failure.

Consider claim 5, as applied to **claim 4, Malki et al.**, and as modified by **Ogier et al.**, clearly show and disclose mobile communication network system, wherein the plurality of nodes

include a correspondent node and a home agent (Paragraph 0030 lines 1-10, element 345), and when the correspondent node transmits a packet to the mobile terminal using a home address of the mobile terminal (Paragraph 0030 lines 1-15), the home agent transfers the packet to the care-of address registered in the binding cache (Paragraph 0032 lines 10-15).

Consider claim 6, as applied to **claim 5, Malki et al.**, and as modified by **Ogier et al.**, clearly disclose mobile communication network system, wherein the mobile terminal transmits the care-of address (Paragraph 0030 lines 1-15) which is transmitted to the home agent as location registration information (Paragraph 0032 lines 14-18) to the mobility anchor point as location registration information and registers the care-of address into a binding cache of the mobility anchor point (Paragraph 0030 lines 1-15).

Consider claim 7, as applied to **claim 6, Malki et al.**, and as modified by **Ogier et al.**, clearly show and disclose mobile communication network system, wherein when a packet is transmitted from the correspondent node to the mobile terminal using

the home address of the mobile terminal (Paragraph 0032 lines 1-18)
the packet is intercepted by the home agent and the mobility anchor
point (Paragraph 0032 lines 14-18) and transferred to the mobile
terminal (Paragraph 0032 lines 14-18).

Response to Arguments

Applicant's arguments page 6-7, filed July 20th, 2007 have been fully considered, upon further review and search allowability of claims has been with draw and new ground of has been presented in this office action. Regards to claim #1 new ground of rejection has been presented in such any further response to the applicant's Arguments is moot. Claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300
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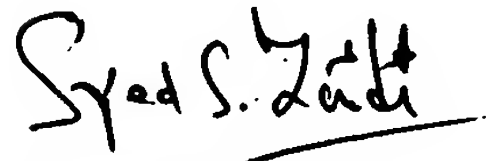
Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Syed Zaidi whose telephone number is (571) 270-1779. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are Unsuccessful, the Examiner's supervisor, Seema S.Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

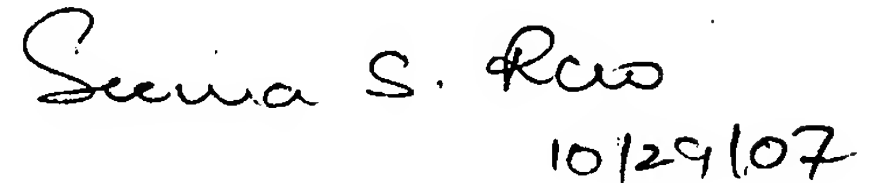
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.



Syed S. Zaidi
S.S.Z/ssz
October 16th 2007.



SEEMA S. RAO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600